



General Assembly

Substitute Bill No. 6697

January Session, 2009

* _____ HB06697APP _____ 051209 _____ *

AN ACT ESTABLISHING A SENTENCING COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) There is established,
2 within existing budgetary resources, a Connecticut Sentencing
3 Commission which shall be within the Office of Policy and
4 Management for administrative purposes only.

5 (b) The mission of the commission shall be to review the existing
6 criminal sentencing structure in the state and any proposed changes
7 thereto, including existing statutes, proposed legislation and existing
8 and proposed sentencing policies and practices and make
9 recommendations to the Governor, the General Assembly and
10 appropriate criminal justice agencies.

11 (c) In fulfilling its mission, the commission shall be mindful that the
12 primary purpose of sentencing in this state is to enhance public safety
13 while holding the offender accountable to the community. Sentencing
14 is to reflect the seriousness of the offense and should be proportional
15 to the harm to victims and the community, utilizing the most
16 appropriate sanctions available, including incarceration, community
17 punishment and supervision. Sentencing should have as an overriding
18 goal the reduction of criminal activity, the imposition of just
19 punishment and the provision of meaningful and effective
20 rehabilitation and reintegration of the offender. Sentences should be

21 fair, just and equitable while promoting respect for the law.

22 (d) The commission shall be composed of the following members:

23 (1) Seven members of the General Assembly appointed as follows:

24 (A) The president pro tempore of the Senate shall appoint one member
25 of the Senate from the majority party who serves on the joint standing
26 committee of the General Assembly having cognizance of matters
27 relating to appropriations and the budgets of state agencies, (B) the
28 speaker of the House of Representatives shall appoint one member of
29 the House of Representatives from the majority party who serves on
30 the joint standing committee of the General Assembly having
31 cognizance of matters relating to the judiciary, (C) the minority leader
32 of the Senate shall appoint one member of the Senate from the
33 minority party who serves on the joint standing committee of the
34 General Assembly having cognizance of matters relating to the
35 judiciary, (D) the minority leader of the House of Representatives shall
36 appoint one member of the House of Representatives from the
37 minority party who serves on the joint standing committee of the
38 General Assembly having cognizance of matters relating to
39 appropriations and the budgets of state agencies, (E) the African-
40 American Affairs Commission shall appoint one member of the
41 General Assembly, (F) the Latino and Puerto Rican Affairs
42 Commission shall appoint one member of the General Assembly, and
43 (G) the Permanent Commission on the Status of Women shall appoint
44 one member of the General Assembly;

45 (2) Two judges appointed by the Chief Justice of the Supreme Court,
46 one of whom shall serve for a term of one year and one of whom shall
47 serve for a term of three years;

48 (3) One representative of the Court Support Services Division of the
49 Judicial Branch appointed by the Chief Justice of the Supreme Court,
50 who shall serve for a term of two years;

51 (4) The Commissioner of Correction, who shall serve for a term

52 coterminous with his or her term of office;

53 (5) The Chief State's Attorney, who shall serve for a term
54 coterminous with his or her term of office;

55 (6) The Chief Public Defender, who shall serve for a term
56 coterminous with his or her term of office;

57 (7) One state's attorney appointed by the Chief State's Attorney,
58 who shall serve for a term of three years;

59 (8) One member of the criminal defense bar appointed by the
60 president of the Connecticut Criminal Defense Lawyers Association,
61 who shall serve for a term of three years;

62 (9) The Victim Advocate, who shall serve for a term coterminous
63 with his or her term of office;

64 (10) The chairperson of the Board of Pardons and Paroles, who shall
65 serve for a term coterminous with his or her term of office;

66 (11) The Commissioner of Public Safety, who shall serve for a term
67 coterminous with his or her term of office;

68 (12) A municipal police chief appointed by the president of the
69 Connecticut Police Chiefs Association, who shall serve for a term of
70 two years;

71 (13) The Commissioner of Mental Health and Addiction Services,
72 who shall serve for a term coterminous with his or her term of office;

73 (14) The undersecretary of the Criminal Justice Policy and Planning
74 Division within the Office of Policy and Management, who shall serve
75 for a term coterminous with his or her term of office;

76 (15) Four members of the public, appointed as follows: (A) The
77 president pro tempore of the Senate and the speaker of the House of
78 Representatives shall jointly appoint a formerly incarcerated person or

79 an advocate for formerly incarcerated persons, who shall serve for a
80 term of four years, (B) the Governor shall appoint a crime victim or a
81 victim advocate, who shall serve for a term of four years, (C) the Chief
82 Justice of the Supreme Court shall appoint an academic, who shall
83 serve for a term of four years, and (D) the minority leader of the Senate
84 and the minority leader of the House of Representatives shall jointly
85 appoint a member of a civil rights organization involved in addressing
86 issues of racial disparity in the criminal justice system, who shall serve
87 for a term of four years; and

88 (16) An active or retired judge appointed by the Chief Justice of the
89 Supreme Court, who shall serve as chairperson of the commission and
90 serve for a term of four years.

91 (e) The commission shall elect a vice-chairperson from among the
92 membership. Appointed members of the commission shall serve for
93 the term specified in subsection (d) of this section and may be
94 reappointed. Any vacancy in the appointed membership of the
95 commission shall be filled by the appointing authority for the
96 unexpired portion of the term.

97 (f) The commission shall:

98 (1) Facilitate the development and maintenance of a state-wide
99 sentencing database in collaboration with existing state and local
100 agencies;

101 (2) Evaluate current sentencing statutes, policies and practices
102 including conducting a cost-benefit analysis;

103 (3) Conduct sentencing trends analyses and studies and prepare
104 offender profiles;

105 (4) Provide training regarding sentencing and related issues,
106 policies and practices;

107 (5) Act as a sentencing policy resource for the state;

108 (6) Preserve judicial discretion and provide for individualized
109 sentencing;

110 (7) Evaluate the impact of pre-trial, sentencing diversion,
111 incarceration and post-release supervision programs;

112 (8) Perform fiscal impact analyses on selected proposed criminal
113 justice legislation; and

114 (9) Identify potential areas of sentencing disparity relevant to racial,
115 ethnic, gender and socioeconomic status.

116 (g) Upon completion of the state-wide sentencing database
117 provided in subdivision (1) of subsection (f) of this section, the
118 commission shall review criminal justice legislation as requested and
119 as resources allow.

120 (h) The commission shall make recommendations concerning
121 criminal justice legislation, including proposed modifications thereto,
122 to the joint standing committee of the General Assembly having
123 cognizance of matters relating to the judiciary which shall hold a
124 hearing thereon.

125 (i) The commission shall have access to confidential information
126 received by sentencing courts and the Board of Pardons and Paroles
127 including, but not limited to, arrest data, criminal history records,
128 medical records and other nonconviction information.

129 (j) The commission shall obtain full and complete information with
130 respect to programs and other activities and operations of the state.

131 (k) The commission may request any office, department, board,
132 commission or other agency of the state or any political subdivision of
133 the state to supply such records, information and assistance as may be
134 necessary or appropriate in order for the commission to carry out its
135 duties. Each officer or employee of such office, department, board,
136 commission or other agency of the state or any political subdivision of

137 the state is authorized and directed to cooperate with the commission
138 and to furnish such records, information and assistance.

139 (l) Any records or information supplied to the commission that is
140 confidential in accordance with any provision of the general statutes
141 shall remain confidential while in the custody of the commission and
142 shall not be disclosed. Any penalty for the disclosure of such records
143 or information applicable to the officials, employees and authorized
144 representatives of the office, department, board, commission or other
145 agency of the state or any political subdivision of the state that
146 supplied such records or information shall apply in the same manner
147 and to the same extent to the members, staff and authorized
148 representatives of the commission.

149 (m) The commission shall be deemed to be a criminal justice agency
150 as defined in subsection (b) of section 54-142g of the general statutes.

151 (n) The commission shall meet at least once during each calendar
152 quarter and at such other times as the chairperson deems necessary.

153 (o) Not later than January 15, 2010, and annually thereafter, the
154 commission shall submit a report, in accordance with the provisions of
155 section 11-4a of the general statutes, to the Governor, the General
156 Assembly and the Chief Justice of the Supreme Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

APP *Joint Favorable Subst.*